

MINUTES
TRIBAL/FOREST SERVICE MOU ANNUAL MEETING
RED CLIFF
OCTOBER 1, 2008
1:00 p.m. - 4:30 p.m.

I. WELCOME AND INTRODUCTIONS.

The meeting began with two songs on the Dewe'igan. Leo LaFernier asked Jim Pete to do the invocation and he opened the meeting with a prayer.

Ann welcomed everyone and stated that today's meeting marks the 10 year anniversary of the signing of the Tribal/USFS MOU. Introductions were made around the table.

Attendance

Red Cliff: Leo LaFernier, Larry Deragon, Mark Duffy; Bad River: Ervin Soulier; Lac du Flambeau: Tom Maulson; Keweenaw Bay: William Emery; LCO: Mic Isham; Mole Lake: Chris McGeshick.

GLIFWC: James Zorn, Gerald DePerry, Gigi Cloud, Jason Stark, Karen Danielsen, Ann McCammon Soltis, Fred Maulson, Jonathan Gilbert, Charlie Rasmussen, Rose Wilmer, Neil Kmiecik.

USFS: Paul Momper (Acting Deputy Regional Forester), Richard Glodowski (Regional Office), Berneice Willis (Regional Office), Tom A. Schmidt (Hiawatha NF), Brandy Hill (Patrol Captain, MI), Peter Roehrs (Patrol Captain, WI), Ken Arbogast (Huron-Manistee NF), Monica Tomosy (Northern Research Station), Tom L. Schmidt (Northern Research Station), Geoff Chandler (Chequamegon-Nicolet NF), Dan Eklund (Chequamegon-Nicolet NF), Jeanne Higgins (Chequamegon-Nicolet NF), Tony Erba (Chequamegon-Nicolet NF), Susan Spear (Ottawa NF), Randy Charles (Ottawa NF), Mary Rasmussen (Chequamegon-Nicolet, Hiawatha, and Ottawa NF's)

Paul Momper asked that someone explain the ceremonies that took place with the drum and the pipe. Jason Stark explained the two songs that were sung on the Dewe'igan and what each means. Neil Kmiecik discussed the Mitiginaabe (talking stick) and its significance and Gerry DePerry explained the pipe and ceremony surrounding that.

II. APPROVAL OF AGENDA.

Mary Rasmussen presented the agenda, asked if there were any additions or corrections and looked for approval from the group. Consensus was reached in approval of the agenda.

III. OPENING REMARKS FROM TRIBAL AND FOREST SERVICE REPRESENTATIVES.

Tom Maulson provided opening remarks on behalf of the Voigt Task Force. He discussed the past history of the relationship between the Forest Service and the tribes and where that has brought them to today. He discussed the history of the connection between the Ojibwa people as keepers of the forest and the struggles that accompanied that process. Tom stated that it is important that the opportunity is provided to the tribes to continue to gather medicinal plants and use the forest as they have for many, many years.

Jeanne Higgins addressed the group and provided opening remarks from the USFS. She stated that everyone is happy to be here and acknowledged that there are not many left at the table from the FS side that were around when the MOU was signed. Jeanne indicated that everyone around the table is looking forward to the future, building on respect for each other, building on our communication and learning how to increase the communication between the partners. Jeanne presented a gift from the Chequamegon Nicolet National Forest. The CD tells the history of the USFS and how important their role is in managing and protecting the national forests. The USFS takes its responsibility very seriously and appreciates the fact that they can continue on building the USFS relationship with the tribes. She provided a CD to everyone in attendance along with a USFS pin.

Leo LaFernier welcomed everyone to Red Cliff, with a special miigwetch to the drum and songs. Leo discussed the past resolution of issues over the years and also referred to the ongoing issue that has not been resolved, which is the 40,000 board feet. He expressed that it would be beneficial to look for a resolution of this issue for the good of everyone involved.

Ervin Soulier raised the issue of ecosystem management and the ongoing effort to convince the USFS to try and implement ecosystem goals beyond their boundaries. He stated that both Bad River and Red Cliff have been involved with watershed protection and would like to see the Forest Service more involved in those discussions. Paul Momper responded to Ervin and made a commitment to become more involved in the watershed management issues and to go beyond forest service boundaries.

Geoff Chandler stated that it is an honor to be in attendance today and speak on behalf of the Forest Service, he believes that the group has come a long way. He was present back when things began and remembers that it took time and continued involvement to build trust. He took the time to extend compliments to GLIFWC staff and tribal representatives for their insight and continual shepharding of the USFS through the process of the MOU.

Jim Zorn provided his recollection of the day that the MOU was signed and noted that what took place on that day is a very significant event. He stated that after 5 years of negotiation, when it was time to sign the final agreement, things hit the fan. Some of the USFS personnel almost lost their jobs because of the MOU. Zorn went back over some of the public comments at that time and how Lynn Robert and Bob Jacobs stepped up to the plate and signed the MOU and stated that

they were in it with the tribes. An instant bond of trust was developed that day with Lynn and Bob, GLIFWC and with the tribes. Jim Zorn reflected back to that moment to identify what the MOU means and that this is the standard by which he holds GLIFWC staff to implement the MOU and will also look to the USFS to uphold in their dealings with the tribes. As he looks back to the day of the signing, he will look for that level of trust as the MOU progresses.

IV. 10TH ANNIVERSARY RETROSPECTIVE

Mary Rasmussen stated that the presentation is a collaborative effort between herself and Karen Danielsen, who she thanked for putting together the powerpoint. She indicated that there will be some historical information for those that have been involved in the 10 year process.

Karen Danielsen and Mary Rasmussen provided a retrospective report on issues addressed and progress made during the first decade of implementation of the *Memorandum of Understanding Regarding Tribal - USDA Forest Service Relations on National Forest Lands Within the Territories Ceded in Treaties 1836, 1837, and 1842*.

Tom Maulson shared his thoughts on the MOU and his view that it can be a continual model for all other forests to follow. Paul Momper stated his appreciation for the reminder of the journey and wanted to let people know that Region 9 has also been on a journey of courageous conservation to develop goals to take us where we want to go. Paul outlined the 5 courageous conservation goals: 1) protect ecosystems across boundaries and learn how to do that; 2) connect citizens to the land; 3) commit to sustainability and learn how to do that; 4) revolutionize effectiveness and efficiency; and 5) become an employer of choice where those that work for the FS want to stay on for a long period of time.

Mic Isham arrived from Lac Courte Oreilles and addressed the group. He discussed the term free timber as it was presented in the retrospective and noted that it is not free timber. Jim Zorn addressed the topics discussed by Paul Momper. He addressed the number of people that GLIFWC has available in comparison to what is available for the FS. The capacity of staff is limited, and GLIFWC staff need to figure out what issues are the more important ones to address and let others fall to the side.

Tom A. Schmidt discussed when he signed an MOU with the tribes in Oregon; they were reminded of the FS's treaty trust responsibility to the tribes. He found that there were times that the FS was reminded of that responsibility and began to bring forth issues to the tribe that were important on that level.

Jeanne asked about the tribes and GLIFWC providing more cultural training to the FS and assisting FS personnel in recognizing the importance of tribal culture. Jim Zorn pointed out that there is a cultural sensitivity section referred to in the MOU that can help. Discussion ensued on job availability within the FS.

Presentation of Gifts in commemoration of the 10th anniversary of the MOU.

On behalf of the Forest Service, Paul Momper, Rich Glodowski and Tom L. Schmidt presented gifts to tribal and GLIFWC staff in commemoration of the 10th Anniversary of the signing of the MOU. GLIFWC presented gifts to each Forest, Law Enforcement, and the Northern Research Station honoring the 10th Anniversary.

V. MEETING MINUTES.

- A. 2007 Annual Meeting** – Minutes from the 2007 Annual meeting were provided.
- B. 2008 Annual Meeting** – GLIFWC will be in charge of the process for drafting, reviewing and approving 2008 meeting minutes.

VI. REVIEW AND DISCUSSION OF SPECIFIC AGREEMENTS TO IMPLEMENT THE GOVERNMENT-TO-GOVERNMENT RELATIONSHIP BETWEEN THE MOU TRIBES AND THE FOREST SERVICE [MOU SECTION VI].

A. MOU Administration and Implementation [MOU Section VI.A].

1. Public Comments Received by Forest Service Prior to Annual Meeting.

No public or legislative comments were received regarding the MOU.

B. Law Enforcement [MOU Section VI.E].

Fred Maulson discussed the history of field work pertaining to interactions with the FS. With regard to Birch Grove campground, tribal members were not practicing the correct procedures with campground permits so enforcement staff worked to educate those tribal members. Enforcement staff is also taking a more proactive strike on implementation of the open door policy to educate FS employees on the MOU regulations.

Fred stated that they also tried to establish a youth outdoor education program in the Ottawa National Forest (Camp Nesbit). Due to budget constraints, the camp was unable to be established this year but efforts will be made to continue the program.

Rich Glodowski added that the FS is pleased with the outreach of GLIFWC enforcement in their education of FS staff on treaty rights. He stated that he felt the relationship between the enforcement agencies is going well and looks to continue that relationship in the future.

C. Monitoring and Evaluation [MOU Section VI.D].

1. Northern Research Station/GLIFWC Staff Report:

Tom L. Schmidt provided the 2007-2008 Northern Research Station update. Tom reviewed the Executive Summary, which included:

- Forest Disturbance Processes, the NRS develops understanding and tools to help managers allow for and manage beneficial disturbances while protecting people and forest landscapes from undesirable disturbances. Tom indicated that the NRS has established research programs in a number of areas associated with managing forests under the influence of specific categories of disturbance agents, such as: invasive species, fire, climate and environmental change, land use and native disturbance factors.
- Urban Natural Resources Stewardship which is to develop understanding and tools to improve quality of life in urban areas through natural resource stewardship;
- Sustaining forests and promote the ability to maintain and enhance forest productivity and benefits;
- Providing clear air and water which concentrates on increase of carbon sequestration, increase in the use of bioenergy and provide forest resource monitoring and assessment for evaluating carbon, water quality and quantity and air pollution.
- Natural Resource Inventory, Monitoring and Assessment which inventories, analyzes and monitors forests to ensure their health and sustainability.

Jonathan Gilbert reviewed the comments developed by GLIFWC staff regarding their Draft Northern Research Station Science themes as discussed above. He stated that in general the themes are relevant to tribal concerns and the broad scope of the themes serves to address most of the ecological issues currently influencing northern forests. Jonathan commented that an issue that would be relevant to all themes would be the use of traditional ecological knowledge in facilitating the research.

FIA Birch Bark Monitoring

GLIFWC staff discussed work done on the development of birch guidelines. The FS had used those guidelines for 1-2 years in their FIA data collection, but after that time period they dropped it.

Consensus was reached by the group to ask the TWG to conduct an evaluation and provide recommendations to the USFS and tribes as to how birch bark monitoring data could continue to be in FIA data collection.

2. GLIFWC Co-op Projects: GLIFWC studies in cooperation with Forest Service.

Jonathan Gilbert and Dan Eklund provided an update on the several of the cooperative studies that are being worked on between GLIFWC and the USFS. Those projects included:

- Marten Research and Monitoring: Collaboration on hair snare surveys of National Forest lands in Wisconsin, collaborating on investigating marten ecology on the CNNF, and collaborating on understand marten/habitat relationships with LCOCC and Purdue University;
- Marten Management: Collaborating on the supplemental stocking of additional marten with WDNR, developed and implanted tri-party MOU, recognizing respective roles and responsibilities among the parties, developed a communication plan to disseminate information about the project, working to develop standards and guidelines on habitat management within marten areas;
- Wild Rice management: Working together to restore wild rice to historic beds and other opportunities on CNNF lakes, partnering on Circle of Flight projects for waterfowl/wetland management;
- Elk Management: Work together to ensure that elk are being fostered in a manner consistent with the forest plan, communicated about the need for temporary road closures to protect calving cows;
- Invasive Species: Collaborate on the Northwest Wisconsin Weed Management Group, Worked together to develop BMP's for invasive species during forest management.

D. Natural Resource Harvest Management [MOU Section VI.C].

1. Harvest Monitoring and Exchange of Harvest Data.

Leo addressed the issue of biomass harvesting. He questioned who is involved in the development of the guidelines, especially since Red Cliff does not have a forester on their staff and the BIA handles that issue for the tribe. Geoff Chandler stated that he is the representative on the state's committee that is reviewing the biomass harvesting guidelines. He provided an overview of the process and timeline involved in getting the guidelines into place. Questions have been raised on the committee as to whether these guidelines will be adaptive and be changed as more information comes to light. Mic Isham stated that the state has dropped the ball due to the fact that tribes were not invited to sit on the committee regarding the biomass guidelines.

Jim Zorn questioned whether the FS should have their own guidelines pertaining to biomass harvest. Geoff stated that the question becomes how much do you leave behind while harvesting biomass. The purpose of producing the guidelines in similar fashion to BMP's is for water quality guidelines. Jeanne stated that the guidelines will be used by the National Forest when they produce their own guidelines. Geoff stated that the Forest is getting requests from loggers to take wood beyond what they are already allowed to harvest, but the Forest has not allowed that practice.

- a. Tribal Harvest – Report by Karen Danielsen on tribal wild plant and non-

timber forest products gathering on National Forest lands during 2006-2007, was provided and reviewed.

- b. Non-Tribal Harvest – Report by Mary Rasmussen on non-tribal harvest conducted under general federal regulations was provided and reviewed.

2. Campground Fee and Length of Stay Exemption Agreement and Implementation Plan.

Updates from Forest Service and GLIFWC staff on implementation of the campground agreement during the past year:

- Forest Service Report on Campground Usage: Mary provided information. In general the use went down on the Ottawa, and went up on the Chequamegon-Nicolet especially in the Washburn district.
- Updated list of Fee-Exempt Campgrounds: list provided. On the Huron-Manistee there are more campgrounds that can be used.

E. Technical Working Group (TWG) Report [MOU Section VI.A].

F. National Forest Planning and Decision-Making [MOU Section VI.B].

Review of government-to-government consultation on Forest Service decisions that affected the abundance, distribution or access to the natural resources found in the National Forests. Particular discussion on:

- Salvage White Paper: This paper was presented to the VTF a month ago and was a charge from the 2007 Annual MOU meeting. Ann McCammon Soltis stated that staff are trying to capture what the thought process was when the MOU originally being drafted. Jason Stark discussed what the Timber Salvage White Paper is about, gave some background information and emphasized that the paper outlines a consultative framework pertaining to each decision that is to be made. Tony Erba added that the dynamic of their recent meeting on timber salvage pointed the group toward the use of collaboration between agencies as the way to go. Discussion continued regarding how to finalize the white paper. Ann stated that this document presented has been reviewed and agreed upon and will become part of the MOU binder.
- Birch Bark Gathering Opportunities: Karen provided maps for proposed timber harvest areas on national forest lands where there may be opportunities for gathering birch bark. GLIFWC does not know the exact amount of birch bark available in these areas but provides this information in case tribal members would

like to gather birch bark before timber harvests begin.

G. MOU Amendments, Regulatory Changes, and Self-Regulation Agreement Changes [MOU Section VI.F].

None Proposed.

VII. REQUIRED NOTICES/PARTIES' DESIGNATED REPRESENTATIVES.

Updated Forest Service and tribal contact lists provided.

VIII. ADDITIONAL DISCUSSION ITEMS

NONE

Closing words provided by Leo LaFernier to end the meeting in a good way. Meeting ended at 4:55 p.m.